

REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citations of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed February 25, 2004. In the Office Action, claims 1-33 stand rejected under 35 U.S.C. §102.

In an attempt to clarify the embodiments of the invention, Applicant has amended independent claims 1, 12, and 23.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-33 stand rejected under 35 U.S.C. §102 (e) as allegedly being anticipated by U.S. Patent No. 6,317,222 issued to Jacobi et al. (hereinafter Jacobi).

Anticipation requires that each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131; Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). However, it is not enough that the prior art reference disclose all the elements in isolation. Rather as stated by the Federal Circuit, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1985) (*emphasis added*). Thus, even if the prior art reference includes all the elements that are claimed, if the arrangement of the claimed elements is different from the arrangement of the prior art elements, anticipation will not be present. Moreover, as the Federal Circuit has stated, "[t]he *identical invention* must be shown in as complete detail as is contained in the...claim." MPEP § 2131; Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236. (*emphasis added*).

Applicant has amended independent claims 1, 12, and 23 such that they all generally relate to: *upon a user logging onto a virtual store having a virtual browser via a computer*

network, displaying a random assortment of products to the user associated with the virtual store without regard to a user profile...creating a plurality of categories, each category identifying an attribute...associating products having at least one attribute with at least one category...and upon selection of a main product by a user in communication with the visual browser, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.

Applicant has amended the independent claims 1, 12, and 23 to further clarify embodiments of the invention, in that, upon a user logging on to a virtual store having a virtual browser via a computer network, *a random assortment of products are displayed to the user associated with the virtual store without regard to a user profile.*

This is in stark contrast to the Jacobi reference. As set forth generally in the Abstract of the Jacobi reference, and throughout the Jacobi reference itself, Jacobi generally relates to: a computer-implemented service that recommends products or other items to a user based on a set of items known to be of interest to the user, such as a set of items currently in the user's electronic shopping cart...The service identifies items that are currently in the user's shopping cart, and uses these items to generate a list of additional items that are predicted to be of interest to the user, wherein an additional item is selected to be included in the list based in-part upon whether that item is related to more than one of the items in the user's shopping cart...the item relationships are preferably determined by an off-line process that analyzes user's purchase history to identify correlations between item purchases...The additional items are preferably displayed to the user when the user views the contents of the shopping cart. (Abstract, Emphasis added).

For example, Jacobi discloses that: the present invention relates to information filtering and recommendation systems...Wherein a recommendation service is a computer-implemented service that recommends items from a database of items...the recommendations are customized to particular users based on information known about the users. (Jacobi, col. 1, lines 6-14) (Emphasis added).

Further, looking at Figure 1 of Jacobi, Jacobi utilizes user profiles 38 including purchase histories, item ratings, shopping cart contents, recent shopping cart contents, etc. As set forth in Jacobi, the web site 30 also includes a "user profiles" and database 38 which store account-specific information about users of the site. (Jacobi, col. 7, lines 45-48) (Emphasis added).

Thus, Jacobi relates to a web-site that recommends products or other items to a user based on a set of items known to be of interest to the user, such as a set of items currently in the user's electric shopping cart. In fact, Jacobi is entitled "Use of Electronic Shopping Cart to Generate Personal Recommendations".

In stark contrast, Applicant's claimed invention of amended independent claims 1, 12, and 23, relates to a virtual store having a virtual browser, wherein upon a user logging onto the virtual store, via a computer network, *a random assortment of products are displayed to the user which are associated with the virtual store but that are without regard to a user profile*. Support for these limitations can be found in Applicant's patent application on pages 12-14, as well as throughout the rest of the specification.

Accordingly, the embodiments of Applicant's invention of claims 1, 12, and 23 have nothing to do with a recommendation service upon which initial products are displayed to the user based upon account-specific information about the user. Applicant's claims are totally different. In fact, Jacobi, which teaches a recommendation system that uses account-specific information about users actually teaches away from Applicant's claims related to a virtual store that initially displays products associated with the virtual store without regard to a user's profile. As stated in the MPEP, "it is improper to combine references where the references teach away from their combination." MPEP §2145 (Emphasis added).

Based on the foregoing, Applicant respectfully submits that Jacobi does not teach the identical invention of Applicant's amended independent claims 1, 12, and 23, nor does it teach or suggest the limitations of Applicant's amended independent claims 1, 12, and 23, and in fact, teaches away from Applicant's amended independent claims 1, 12, and 23.

Accordingly, Applicant respectfully requests that Applicant's independent claims 1, 12, and 23 be allowed and moved to issuance. Further, Applicant's dependent claims are allowable for being dependent upon allowable base claims.

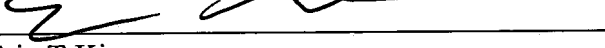
Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-12, 14-23, and 25-33 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Dated: 5/24/2004

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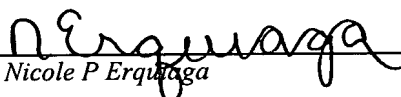
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